

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

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JOSE PINEDA, JOSE MONTENEGRO, MARCO  
LOPEZ, and JOSE HERNANDEZ on behalf of  
themselves and all others similarly situated,

Plaintiffs

v.

SKINNER SERVICES, INC. d/b/a SKINNER  
DEMOLITION, THOMAS SKINNER, DAVID  
SKINNER and SANDRO SANTOS

Defendants.

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C.A. No. 1:16-cv-12217

**DEFENDANTS' ASSENTED-TO MOTION TO CONTINUE TRIAL DATE**

**NOW COME** the Defendants in the above-captioned action, with the Plaintiffs' assent, and hereby respectfully requests that the trial of this matter, currently scheduled to commence on Tuesday, January 11, 2022, be continued due to the current health condition of the father Defendants' counsel, Attorney Michael Cole. Attorney Cole's father is currently hospitalized and on life support in the ICU suffering from COVID-19 and pneumonia complications. Doctors have advised that his prognosis is terminal, likely within the next few days. Further, Attorney Cole is his father's healthcare proxy and he has been with him in the hospital for the past week. In light of this, empaneling a jury and commencing a three (3) week jury trial will be impracticable if not impossible for Defendants' counsel. Additionally, Plaintiffs' counsel has agreed to a brief continuance of trial. The Parties will not be prejudiced by the requested brief continuance, nor will the requested continuance significantly delay the adjudication of this matter.

**WHEREFORE**, the Defendants respectfully request a continuance of the trial to a later date convenient for this Court.

**LOCAL RULE 7.1(a)(2) CERTIFICATION**

I certify that on December 28, 2021, counsel for the respective parties conferred by electronic mail in a good faith attempt to resolve or narrow the issue presented by this motion, whereby Plaintiffs' counsel stated that Plaintiffs assented to the brief extension of time requested by Defendants' counsel herein for the commencement of trial.

Respectfully submitted,  
**SKINNER SERVICES, INC., d/b/a**  
**SKINNER DEMOLITION,**  
**THOMAS SKINNER, DAVID**  
**SKINNER, and**  
**SANDRO SANTOS,**  
By their attorneys,

/s/ Gregory J. Aceto  
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(617) 728-0888

**ASSENTED TO BY:**

**JOSE PINEDA,  
JOSE MONTENEGRO,  
MARCO LOPEZ, and  
JOSE HERNANDEZ**  
**on behalf of themselves and all others similarly  
situated,**

By their attorneys,

/s/ Nathan Goldstein

Nicole Horberg Decter, Esq. BBO No. 658268  
Nathan Goldstein, Esq. BBO No. 666101  
Jasper Groner, Esq. BBO No. 682403  
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Dated: December 28, 2021

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing document was filed electronically and served by mail on anyone unable to accept electronic filing. Notice of this filing will be sent by email to all parties by operation of the court's electronic filing system or by mail to anyone not able to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the court's CM/ECF System.

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